



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/051,070 04/02/98 APPLEBY

S 36-1201

EXAMINER

TM02/0228

NIXON & VANDERHYE  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

PHAN, T

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

02/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/051,070

Applicant(s)  
Appleby, Stephen

Examiner  
Thai Phan

Group Art Unit  
2123



☒ Responsive to communication(s) filed on Jan 19, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jan. 19, 2001 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

### DETAILED ACTION

This official action is responsive to applicant's amendment filed on Jan. 18, 2001. Claims 1-23 are pending in this official action

1. Acknowledgment has been made for the request of new abstract substitution.
2. Claim 14 objection has been withdrawn due to its amendment.
3. 35 USC § 112 Claim Rejections has been withdrawn due to its amendment.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Morin et al., patent no. 5,748,841.

As per claim 1, Morin anticipated a computerized method and computer system or an interactive dialogue system independent of any particular application language (Abstract) for learning language simulation or interacting with other user target application which by definition

the target application is from other users or other persons (Abstract, col. 3, line 6 to col. 4, line 64). In that perspective, Morin dialogue system is for communicating between users (col. 1, lines 36-40, lines 57-62, and etc.). According to Morin, the method and system includes steps of interactively receiving input dialogue from user (37, 39, 51 of Fig. 1, col. 5, lines 43-61), means for storing lexical data relating to individual words of the input dialogue, means for storing rule specifying grammatical rules for input dialogue (Fig. 10, col. 14, 15, 17, for example), means for transaction dialogue, a central dialogue processor (60) or dialogue server (20) arranged as shown in Figs. 1, 2 of the present patent which includes lexical rules to recognize and handle the occurrence of words or spoken language through the input devices, contained in the lexical rules stored in the relationships specified by rules in accordance with the data specified in the transaction, objects, object attributes, etc. in the database (74, 72), a transaction store containing data relating to allowable transactions between users interaction (col. 13, lines 30-43, col. 14, lines 25- 46, Fig. 1) and independence upon recognition, to generate output dialogue when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22).

As per claim 2, Morin disclosed a plurality of lexical rules for natural languages conversation such as English, Japanese, etc., and relationships of these rules for conversation (74, 34s, 72 of Fig. 1, col. 17, lines 22-55, lines 60-65, cols. 20, 21, for example).

As per claim 3, Morin disclosed words agreement such as number, genders, etc.

As per claims 4-5, Morin disclosed dialogue recognition (cols. 3-4) based on such as semantic grammar rules, syntactic structures, lexicons, etc. It would include detect recognized errors as claimed

As per claim 6, Morin disclosed language training including different target languages.

As per claims 7-11, Morin disclosed the system for use to recognize text, speech, voice, other peripheral device inputs.

As per claim 12, Morin disclosed speech synthesis or synthesizer as claimed (col. 8, lines 38-45).

As per claims 13-15, Morin disclosed user interface (Figs. 1-4), including a computer, display, input means and graphic user interface.

As per claim 16, Morin disclosed communication channel connected dialogue server remotely.

As per claims 17-19, Morin anticipated a computerized method and computer system for learning language simulation (Abstract, col. 3, line 6 to col. 4, line 64). According to Morin, the method and system includes steps of receiving input dialogue (Fig. 1, col. 5, lines 43-61), means for storing lexical data relating to individual words of the input dialogue, means for storing rule specifying grammatical rules for input dialogue (Fig. 10, col. 14, 15, 17, for example), means for transaction dialogue, a central dialogue processor (60) arranged as shown in Figs. 1, 2 of the present patent to recognize the occurrence of words contained in the lexical stored in the relationships specified by rules in accordance with the data specified in the transaction, and independence upon recognition, to generate output dialogue when correct dialogue has been

recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22).

As per claim 20, Morin dialogue recognition would include characters, numbers, etc. as claimed.

As per claims 21-24, Morin disclosed lexical rules of syntax, grammars, etc. which would include inflection rules as claimed.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., patent 5,510,981, issued on Apr. 23, 1996.

As per claims 17-19, Berger anticipated the claimed invention. Berger system comprises a processor arranged to accept input dialogue in a target language, to detect recognized errors in the input dialogue, to generate responsive output dialogue in the target language, and to generate recognized errors in separate indication as claimed.

### ***Response to Arguments***

7. Applicant's arguments filed Jan. 19, 2001 have been fully considered but they are not persuasive.

In response to applicant's argument Morin fails to disclose a transaction store containing data relating to allowable transactions between a user and another person, or training the user to

engage in transaction with another person (page 9, second paragraph), the examiner disagrees with. Morin disclosed dialogue server (Fig. 1, Abstract) with lexical rules installed herein to recognize, handle, and process the occurrence of words or spoken language (transaction) through the input devices, contained in the lexical rules stored in the relationships specified by rules in accordance with the data specified in the transaction, objects, object attributes, etc. in the database (74, 72 of Fig. 1, Abstract), a transaction store containing data relating to allowable transactions between users interaction or user spoken language into the server (col. 13, lines 30-43, col. 14, lines 25-46, Fig. 1) and independence upon recognition, to generate output dialogue when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22). In brief, the dialogue server including at least a database processes and handles user transaction either through independent spoken language between users, or trains user in independent of any particular application language spoken.

In response to applicant's argument Morin fails to disclose a first set of rule and a second set of rules which corresponds to one of the first rules but with one relationship criterion relaxed (page 9, paragraph 3), the examiner totally disagrees with. Morin disclosed dialogue server (Fig. 1, Abstract) for processing spoken language with lexical rules for interactively analyzing native spoken language and target language. In other words, Morin requires at least a first set of rules and a second set of rules with argued features for users interactively conversing with another person as argued by applicant.

In response to applicant's argument Berger fails to disclose generating responsive output dialogue in the target language (page 10, paragraph 3), the examiner disagrees with. Berger

disclosed language speech translation (Abstract, col. 3, lines 25-33), and Berger translator output responsive in target language upon criteria has been met (col. 4, lines 13-27, lines 35-50, lines 58-59, for example).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Patent no. 5,634,086, issued to Rtischev et al., May 27, 1997,
2. Patent no. 5,636,325, issued to Farrett, Peter, on May 3, 1997,
3. Patent no. 5,730,603, issued to Harless, William, on Mar. 24, 1998,
4. Patent no. 5,809,493, issued to Ahamed et al., on Sept. 15, 1998.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

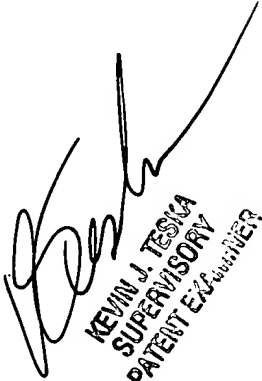
(703) 308-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE"),

**Or:**

(703) 308-1396 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

February 23, 2001

  
KEVIN J. TESIA  
SUPERVISORY  
PATENT EXAMINER